

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

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- 1 MARC SPITZER
Chairman
- 2 WILLIAM A. MUNDELL
Commissioner
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Commissioner
- 5 KRISTIN K. MAYES
Commissioner

2004 DEC 29 P 4: 43

AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

DEC 29 2004

DOCKETED BY	<i>W</i>
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8 **IN THE MATTER OF**
 9 **THE APPLICATION OF MOUNTAIN**
 10 **GLEN WATER SERVICE, INC. FOR A**
PERMANENT RATE INCREASE IN
MARICOPA COUNTY, ARIZONA

DOCKET NO.: W-03875A-03-0737

MOTION TO EXTEND DEADLINES IN
DECISION NO. 67277

11 **IN THE MATTER OF**
 12 **THE APPLICATION OF MOUNTAIN**
 13 **GLEN WATER SERVICE, INC. FOR**
 14 **FINANCIAL APPROVAL IN MARICOPA**
COUNTY, ARIZONA

DOCKET NO.: W-03875A-03-0870

MOTION TO EXTEND DEADLINES IN
DECISION NO. 67277

15 Mountain Glen Water Service, Inc. ("Mountain Glen"), through undersigned counsel, hereby
 16 moves to extend the deadlines in Decision No. 67277 of the Arizona Corporation Commission
 17 ("ACC") in the above-captioned matter.

18 In Decision No. 67277, the ACC approved Mountain Glen's Application to Extend Its
 19 Certificate and Convenience and Necessity. Pursuant to the Opinion and Orders, Findings of Fact ¶21,
 20 the Staff recommended that the ACC approve Mountain Glen's Application, subject to the following
 21 conditions:

- 22 (3) That Mountain Glen file, prior to serving any customers in the proposed
 23 extension area or by December 31, 2004, whichever is sooner, with the
 24 Commission's Docket Control, a copy of the developer's Certificate of
 25 Approval of Construction issued by ADEQ; and
- 26 (4) That Mountain Glen file, prior to serving any customers in the proposed
 27 extension area or by December 31, 2004, whichever is sooner, with the
 28 Commission's Docket Control, a copy of the developer's Certificate of
 Approval of Sanitary Facilities for Subdivisions issued by ADEQ.

1 Although Mountain Glen has been diligently working with the developer of the Linden Trails
2 Subdivision, Mountain Glen will need additional time to file the developer's Certificate of Approval of
3 Construction and Certificate of Approval of Sanitary Facilities as these documents have not yet been
4 received by the developer from ADEQ.

5 On October 15, 2004, Mountain Glen returned to Mustang Development, the developer of
6 Linden Trails, the Financial Capacity & Technical Capacity Form (attached hereto as Exhibit "A") that
7 had been requested by Linden Trails to be forwarded to ADEQ for the necessary approvals as set forth
8 above. By December 13, 2004, having not yet received the requisite Certificates of Approval from
9 ADEQ, counsel for Mountain Glen wrote to counsel for Linden Trails reminding the developer of the
10 deadlines as set forth in Decision No. 67277. Counsel for Linden Trails informed counsel for
11 Mountain Glen that although he did not currently represent the developer, he would forward the
12 correspondence to his attention. (See letter dated December 13, 2004, attached as Exhibit "B.") On
13 December 28, 2004, Mountain Glen's representative, Beatrice Parker, contacted Mr. Stephen Camp of
14 ADEQ to inquire as to the status of the above-mentioned Certificates of Approval. Mrs. Parker was
15 informed by Mr. Camp that although the developer has submitted the necessary documentation, ADEQ
16 does not anticipate issuing the requisite approvals until after the December 31, 2004 deadline.

17 Therefore, with good cause appearing, Mountain Glen moves to extend the deadlines to file the
18 developer's Certificate of Approval of Construction and Certificate of Approval of Sanitary Facilities
19 by March 31, 2005. Neither Mountain Glen, nor the developer, have been dilatory in seeking such
20 approvals and Mountain Glen hereby requests this short extension to comply with Decision No. 67277,
21 such extension being in the public interest.

22 RESPECTFULLY SUBMITTED this 27 day of December, 2004.

23 **LOOSE, BROWN & ASSOCIATES, P.C.**

24
25 By 

26 Donald A. Loose

27 C. Kyle Brown

28 Robert J. Metli

Attorneys for Mountain Glen Water Service, Inc.

1 ORIGINAL and 13 copies of the
2 foregoing filed this 29th day of December,
2004, with:

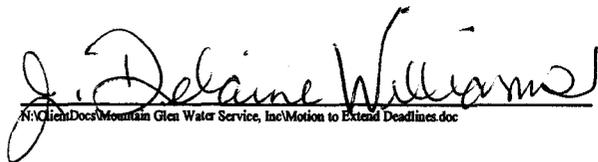
3 Docket Control
4 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
5 Phoenix, Arizona 85007-2927

6 COPIES of the foregoing hand-delivered
7 this 29th day of December, 2004, to:

8 Lyn Farmer
Chief Administrative Judge
9 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
10 Phoenix, Arizona 85007-2927

11 Chris Kempley
Chief Counsel, Legal Division
12 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
13 Phoenix, Arizona 85007-2927

14 Ernest Johnson
15 Director, Utilities Division
ARIZONA CORPORATION COMMISSION
16 1200 West Washington Street
17 Phoenix, Arizona 85007-2927

18
19 
20 \\N:\Client\Docs\Mountain Glen Water Service, Inc\Motion to Extend Deadlines.doc

MOUNTAIN GLEN WATER SERVICE, INC.

P.O. Box 897
Clay Springs, AZ 85923
(928) 739-4770 or (928) 739-4479
(928) 739-4186 FAX

October 15, 2004

Mr. Jeff Vitale
Mustang Development
Linden Trails
3951 E. Kael Circle
Mesa, AZ 85215

Dear Mr. Vitale:

Enclosed is the Financial Capacity and Technical Capacity Forms you requested completed. I have answered the questions for which I had data. The remaining questions pertain to information for which you should have data.

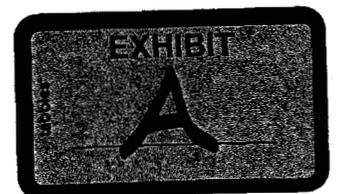
Please let me know if there is anything else I can do.

Thank you,



BEATRICE I. PARKER

Cc: Robert Metli
Loose Brown and Associates, P.C.
11209 N. Tatum Blvd., Suite 130
Phoenix, AZ 85028



OCT 15 2004

Rec'd 10/8/04 Bill Parker

Oct. 4, 2004

Mountain Glen Water Co.
4773 Sawmill Rd.
Clay Springs, Az. 85923

Re: Linden Trails

To Whom it May Concern:

The enclosed paperwork needs to be filled out by you and returned to us so that we can forward it to ADEQ for approval of construction a.s.a.p.

Return it to: Linden Trails
3951 E. Kael Circle
Mesa, Az. 85215

Linden Trails Subdivision
Jeff Vitale

480-641-8133

Financial Capacity

- | | Yes | No | N/A |
|---|-------------------------------------|--------------------------|-------------------------------------|
| 22. Is the system regulated by the Arizona Corporation Commission (ACC) or ADWR? If Yes go to Question 23. If No go to Question 25. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. Has the system received an approval from the ACC on its fee structure, or ADWR on its financial capacity? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. Systems regulated by the Arizona Corporation Commission or Department of Water Resources shall provide information required in 22 and 23 for the financial capacity determination review by ADEQ. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 25. For New CWSs and NTNCWS NOT regulated by ACC, is all information listed in Appendices C and D included? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The decision of the ACC is adequate per Kathy Stevens
Tariff attached

Historical Note

Appendix A adopted by final rulemaking effective September 23, 1999; the A.A.R. citation was not available at the time of publication and will appear in Supp. 99-4 (Supp. 99-3). Amended by final rulemaking at 5 A.A.R. 4456, effective September 23, 1999 (Supp. 99-4).

Appendix B

Drinking Water Capacity Development Statement of Responsibility

Applicant Information:
 Name: Mountain Glen Water Service, Inc
 Mailing Address: PO Box 897 Clay Springs, AZ 85923
 Phone Number: (928) 739-4770 Fax Number: (928) 739-4186 E-mail: bgen02@yahoo.com

Statement Information:
 1) Name of Water System: Mountain Glen Water Service, Inc / Linden Trails Subd. Division FWS ID# _____
 2) Ownership Type (Please check all that apply):
 Sole Proprietor Major Stockholders Board of Directors
 Cooperative Government Agency District
 Public Entity Corporation Limited Liability Corporation
 Other (please explain) _____
 3) Name of Owner(s): (Check one) See below Attach a separate sheet if more space is needed
 Owner 1: William James Parker
 Owner 2: Beatrice I. Parker
 Owner 3: _____
 4) Agencies with rules applicable to the Water System: (Please check all that apply)
 Arizona Department of Environmental Quality Arizona Corporation Commission
 Arizona Department of Water Resources Arizona Department of Real Estate
 Arizona Department of Commerce Arizona Department of Agriculture
 Arizona Department of Corrections Office of the Fire Marshal
 Arizona Land Department Arizona Department of Revenue
 Arizona Department of Transportation Maricopa County Environmental Services
 Pima County Department of Environmental Quality Environmental Protection Agency Region IX
 Other(s) please specify _____

page 1 of 2

Department of Environmental Quality - Safe Drinking Water

5) Statement of Intent (Select one):

It IS the intent of the owner or developer of this NEW CWS or NEW NTNCWS to transfer ownership of the water system. As part of the ownership transfer, it is understood that the owner or developer has a responsibility to disclose and transfer ALL information relevant to the construction and operation of the water system to the new owner.

It is NOT the intent of the owner to transfer ownership of the NEW CWS or NTNCWS within one year of the completion of construction of the water system.

6) Date owner expects to begin operation:

Month October Day _____ Year 2004

7) Drinking Water Sources used: (Select all that apply)

- Ground Water
- Purchased Ground Water
- Surface Water
- Purchased Surface Water

8) Table of Contents of Systems Elementary Business Plan (Please check one):

- The Table of Contents of the Elementary Business Plan is attached.
- The Table of Contents of the Elementary Business Plan is summarized below.

Summary

9) Signature of each current owner: Check if additional signature page is attached _____

I agree to comply with the requirements of 18 A.A.C. 4, Article 5.

Print Name: William James Parker Signature: [Signature] Date: 10/14/04

Print Name: Beatrice I. Parker Signature: [Signature] Date: 10/14/04

Print Name: _____ Signature: _____ Date: _____

page 2 of 2

Historical Note

Appendix B adopted by final rulemaking effective September 23, 1999; the A.A.R. citation was not available at the time of publication and will appear in Supp. 99-4 (Supp. 99-3), Amended by final rulemaking at 5 A.A.R. 4456, effective September 23, 1999 (Supp. 99-4).

MOUNTAIN GLEN WATER SERVICE, INC.

P.O. BOX 897
Clay Springs, AZ 85923
(928) 739-4770
(928) 739-4186 FAX

Attachment A

- #14. William J. Parker oversees the Plant Operation and Maintenance.
Beatrice I. Parker performs all clerical duties including billing.**

**MOUNTAIN GLEN WATER SERVICE, INC
SCHEDULE OF RATES AND CHARGES**

Approved by the Arizona Corporation Commission, and rates effective on August 10, 2004, Docket No. W-03875A-03-3737, et al., Decision No. 67163.

MONTHLY USAGE CHARGE	RATES
5/8" x 3/4" Meter	\$ 20.25
3/4" Meter	30.38
1" Meter	50.63
1-1/2" Meter	101.25
2" Meter	162.00
3" Meter	303.75
4" Meter	506.25
6" Meter	1,012.50

COMMODITY RATES (Charge Per 1,000 Gallons)	
1st Tier - 0-5,000 Gallons	\$ 2.70
2nd Tier - 5,001-20,000 Gallons	3.30
3rd Tier - over 20,000 Gallons	3.80

SERVICE LINE AND METER INSTALLATION CHARGES	
5/8" x 3/4" Meter	\$ 550.00
3/4" Meter	580.00
1" Meter	675.00
1-1/2" Meter	710.00
2" Meter	1,110.00
3" Meter	1,490.00
4" Meter	2,295.00
6" Meter	4,305.00

SERVICE CHARGE	
Establishment	\$ 30.00
Establishment (After Hours)	45.00
Reconnection (Delinquent)	35.00
Reconnection (Delinquent) after hours	45.00
Meter Test (If Correct)	40.00
Deposit	*
Deposit Interest	*
Re-Establishment (within 12 months)	**
NSF Check	\$ 15.00
Deferred Payment	1.50%
Meter Re-read (If Correct)	\$ 15.00
Late Payment Penalty	N/A
Main Extension	Cost

* Per Commission Rule AAC R-14-2-403(B).

** Months off system times the monthly minimum per Commission rule AAC R-14-2-403(D).



• Business • Litigation • Estates

DONALD A. LOOSE*
C. KYLE BROWN
DENISE A. SCAMMON
ROBERT J. METLI

*ALSO ADMITTED IN MICHIGAN

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Phoenix, AZ 85028
tel. 602.971.4800 • fax 602.953.3621
www.loosebrown.com

OF COUNSEL:
FREY & McCUE
GARY M. GALLNER

Writer's E-mail:
robert@loosebrown.com

December 13, 2004

VIA FACSIMILE: 602-256-6800 & U.S. MAIL

Michael W. Patten, Esq.
Roshka, Heyman & DeWulf, P.L.C.
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004-2262

RE: Mountain Glen Water Service, Inc.

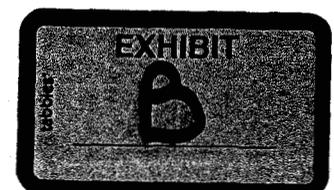
Dear Mike:

Pursuant to the opinion of an Order issued by the Arizona Corporation Commission dated October 5, 2004, approval Mountain Glen Water Service, Inc.'s ("MGWS") Application depends upon the following conditions:

- 3) that MGWS, prior to December 31, 2004, file with the Commission's Docket Control, a copy of the developer's Certificate of Approval of Construction issued by ADEQ; and
- 4) that MGWS, prior to December 31, 2004, file with the Commission's Docket Control, a copy of the developer's Certificate of Approval of Sanitary Facilities for Subdivisions issued by ADEQ.

As you are aware, the Certificate of Approval of Construction, as well as the Certificate of Approval of Sanitary Facilities for Subdivisions would be issued by ADEQ to your client, Mustang Development, Inc. To date, this office has not received a copy of those documents or proof that such has been filed with the Arizona Corporation Commission. If such documentation has been filed as required by the Opinion and Order, please forward a copy to this office for my records. If, in fact, your client has yet to obtain the required documentation, please contact me at your earliest convenience to inform me whether your client plans to obtain such documentation prior to the proposed deadline. If not, please contact me prior to the deadlines so I may file the necessary request and/or necessary motion to extend those deadlines. Further, if your client has yet to receive such documentation from ADEQ, please provide an explanation as to the reasons for the delays.

A copy of this letter will be filed with Docket Control. If we do not hear from you prior to the above-referenced deadlines, we will be forced to file a motion to modify the Opinion and Order, as well as a request for hearing and possible order to show cause.



December 13, 2004

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If you have any questions, please do not hesitate to contact me.

Very truly yours,

LOOSE, BROWN & ASSOCIATES, P.C.



Robert J. Metli

RJM:jdw

cc: William and Bea Parker ✓

Docket Control ✓

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